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Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the report submitted by the United States under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of the United States of America to the list of issues*

[Date received: 14 March 2017]

* The present document is being issued without formal editing.

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1. The United States is pleased to submit its written replies to the List of Issues, dated November 8, 2016, CRC/C/OPSC/USA/Q/3-4.[1] In the spirit of cooperation, the United States is providing as much information as possible in response to the Committee's questions and comments, taking into consideration the word count, even in the numerous instances where the questions or information provided in response do not bear directly on obligations arising under the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC). The United States also expresses its appreciation for the opportunity to appear in person before the Committee in May 2017.

Question 1

Establishment of a centralized system of data collection with regard to offenses under the Optional Protocol, and provision of data.

2. As noted in our Third and Fourth Periodic Report, CRC/C/OPSC/USA/3-4 (2016 Report), establishment of a unified national data collection system involves significant challenges for the United States because the federal government and state, territorial, tribal, and local governments all have jurisdiction in this area, and data collection is done by all such authorities, some of whom use different data systems and different definitions of offenses. Nonetheless, as noted in the 2016 Report, in recent years the United States has taken several steps toward a national data collection system in some subject areas. Recent developments include the December 2014 launch by the Department of Justice (DOJ) of the Internet Crimes Against Children Data System (IDS), as part of the Internet Crimes Against Children (ICAC) Task Force Program, a national network of 61 coordinated task forces representing over 3,500 federal, state, and local law enforcement and prosecutorial agencies. IDS allows credentialed users investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts. IDS now allows for real-time analysis of data, across several platforms, to facilitate identification of targets and to assist in estimating the size of the law enforcement effort needed to address these crimes. As appropriate, IDS will continue to add other programs that provide data. As of December 2016, 4,687 users were registered with IDS, including members of all 61 ICAC Task Forces.

3. The Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183) requires state child welfare agencies to report the total number of children and youth who are victims of sex trafficking to the Secretary of Health and Human Services (HHS) on an annual basis, including certain tribal child sex trafficking data in the Adoption and Foster Care Analysis and Reporting System; and requires welfare agencies to report information they receive on missing and abducted children to the National Center for Missing and Exploited Children (NCMEC) and to law enforcement authorities for inclusion in the National Crime Information Center (NCIC) database, see https://www.acf.hhs.gov/cb/resource/im1403. HHS also implements the Human Trafficking Data Collection Project to collect data on human trafficking victimization, service needs, and identification of risk factors, https://www.acf.hhs.gov/otip/research-policy/research-and-data.

4. Recent federal statistics are presented in the *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons* for Fiscal Years (FY) 2014 and 2015,[2] https://www.justice.gov/humantrafficking/reports-and-publications.

5. DOJ supports efforts to understand the scope of child exploitation by funding research on that topic. The second National Strategy for Child Exploitation Prevention and Interdiction, released in April 2016 ("2016 National Strategy") contains a listing of DOJ-funded research products, plus descriptions of ongoing research, https://www.justice.gov/psc/file/842411/download. A recent study conducted by the Center for Court Innovation, with funding from DOJ, was designed to increase scientific

[1] These written replies will be posted at http://www.state.gov/g/drl/hr/treaties.

[2] The U.S. fiscal year runs from October 1 of one year to September 30 of the following year. Fiscal Year 2015, for example, ran from October 1, 2014 to September 30, 2015.

knowledge concerning youth involvement in the sex trade. Nearly 1,000 youth, ages 13 to 24, were interviewed at six sites across the country on subjects that included how they became involved in sex trafficking; involvement of exploiters, traffickers and buyers; trade; earning a living; market facilitators; health issues and service needs; interactions with law enforcement; and outlook for the future, http://www.courtinnovation.org/youthstudy. An April 2016 survey of 873 homeless youth ages 14 to 21 in 11 cities found that 36 percent of these homeless youth had traded sex for money, a place to spend the night, food, protection, or drugs. Most of the youth who reported trading sex for money did so only after they became homeless, https://www.acf.hhs.gov/fysb/resource/street-outreach-program-data-collection-study.

Question 2

Mandate and work of the National Coordinator for Child Exploitation Prevention and Interdiction, and guidance regarding implementation of the Preventing Sex Trafficking and Strengthening Families Act of 2014.

6. The National Coordinator's mandate is established by federal statute, 42 U.S.C. § 17611, which establishes the duties as:

(a) Acting as a liaison with all federal agencies regarding the development of the National Strategy;

(b) Working to ensure proper coordination among agencies in developing the National Strategy;

(c) Being knowledgeable about budget priorities and familiar with all efforts within DOJ and the Federal Bureau of Investigation (FBI) related to child exploitation prevention and interdiction; and

(d) Communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdiction, on the contents of the National Strategy and progress by DOJ in implementing it.

As a matter of practice, the National Coordinator also covers human trafficking issues. The National Coordinator interacts with relevant DOJ components and interagency partners through a variety of intradepartmental and interagency working groups, task forces, and committees, including the Federal Agency Task Force on Missing and Exploited Children, the Senior Policy Operating Group and its subcommittees, and DOJ working groups addressing human trafficking and the implementation of the Child Exploitation National Strategy.

7. The National Coordinator convened a working group composed of federal agencies to develop the 2016 National Strategy, https://www.justice.gov/psc/national-strategy-child-exploitation-prevention-and-interdiction, which builds on the first National Strategy. The 2016 National Strategy includes a review of the work of federal law enforcement agencies and prosecutors since 2010, as well as the work of other agencies and offices that play important roles in supporting child victims, providing grants to state, local, and tribal governments and non-profit partners, and educating the public about the dangers of child exploitation. It also provides a threat assessment that addresses the current nature and scope of the problem and lays out plans for combating child exploitation in four key areas: investigations and prosecutions, outreach and education, victim services, and policy initiatives. This National Strategy also includes a section dedicated solely to child exploitation in Indian Country,[3] where issues are often unique. Finally, appendices include statistics on federal prosecutions, detailed tables of information on the DOJ-funded ICAC program, DOJ-funded research on child exploitation, a summary of the survey on which the threat assessment is based, and the text of DOJ legislative proposals. Examples of child

[3] "Indian Country" means all land within the limits of any Indian reservation under U.S. government jurisdiction, all dependent Indian communities within U.S. borders, and all allotments, the Indian titles to which have not been extinguished. *See* 18 U.S.C. § 1151 (containing additional stipulations).

exploitation prosecutions brought by DOJ are included throughout the 2016 National Strategy.

8. The 2014 Preventing Sex Trafficking and Strengthening Families Act amends Title IV-E of the Social Security Act to require that state and tribal plans for foster care and adoption assistance include policies and procedures for identifying, documenting, and determining appropriate services for children or youth under state care or supervision who are at risk of being victims of severe forms of trafficking in persons. The HHS Administration for Children and Families (ACF) Children's Bureau has released four sets of guidance concerning this law. ACF guidance includes: an Information Memorandum on the Preventing Sex Trafficking and Strengthening Families Act of 2014 for state, tribal, and territorial agencies administering or supervising the administration of Title IV-E and/or Title IV-B of the Social Security Act, https://www.acf.hhs.gov/cb/resource/im1403; Program Instruction on changes to Title IV-E plan requirements, effective September 29, 2015 and later, https://www.acf.hhs.gov/cb/resource/pi1507; a Letter to Child Welfare Directors on Protecting the Credit of Young People in Foster Care in line with provisions in the Act, http://www.acf.hhs.gov/cb/resource/child-welfare-directors-credit-letter; and an Information Memorandum providing guidance on services for youth under 18 who run away from foster care and come in contact with runaway and homeless youth programs, https://www.acf.hhs.gov/fysb/resource/info-memo-serving-rhy-foster-care-20141104. The latter guidance relates to oversight by child welfare agencies of youth in foster care who are vulnerable to sex trafficking and exploitation. The Child Welfare Capacity Building Collaborative provides several resources to implement the Preventing Sex Trafficking and Strengthening Families Act, https://capacity.childwelfare.gov/states/focus-areas/preventing-sex-trafficking/.

9. The Preventing Sex Trafficking and Strengthening Families Act contains provisions intended to facilitate implementation of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which entered into force for the United States on January 1, 2017, https://www.acf.hhs.gov/css/resource/us-ratification-of-hague-child-support-convention. After that date, U.S. states will process international child support cases with other States Parties to the Convention under the requirements of the Convention and Article 7 of the Uniform Interstate Family Support Act (UIFSA), as amended in 2008. HHS is providing information to state child support enforcement agencies in the United States to ensure that they implement the Convention. This information, including training materials, is available to the public on the HHS website: https://www.acf.hhs.gov/css/partners/international.

Question 3

Prevention measures specifically targeting children vulnerable to offenses under the Optional Protocol, and measures taken to address the root causes of offenses under the Protocol and to eliminate the demand for children's sexual services.

10. DOJ, HHS, and the Departments of Education (ED), Homeland Security (DHS), and Interior (DOI) all have programs that include prevention measures targeting children vulnerable to offenses under the Protocol. As noted in ¶ 8 above, HHS/ACF's Children's Bureau has released four sets of guidance on implementation of the Preventing Sex Trafficking and Strengthening Families Act, which contains multiple provisions to protect children under supervision of the child welfare and juvenile systems. The Justice for Victims of Trafficking Act of 2015 (JVTA) (P.L. 114-22) requires states to include child trafficking under the definition of "child abuse and neglect" for purposes of the Child Abuse Prevention and Treatment Act (CAPTA). State child protective services (CPS) systems receiving state grants under this Act must have provisions and procedures to identify and assess all reports involving children known or suspected to be sex trafficking victims, and to train CPS workers to identify, assess, and provide comprehensive services for child sex trafficking victims. In 2014, HHS/ACF's Children's Bureau funded nine grants to help states and local agencies combat trafficking by strengthening infrastructure and building coordination and collaboration with other systems, including law enforcement, juvenile justice, court systems, runaway and homeless youth programs, Children's Justice

Act grantees, Child Advocacy Centers (CACs), and other service providers, https://www.childwelfare.gov/topics/systemwide/trafficking/acyf-strategy/cb-efforts/grants/.

11. To address children in street situations, the HHS/ACF Family and Youth Services Bureau (FYSB) operates the Street Outreach Program, designed to prevent sexual abuse or exploitation of young people living on the streets or in unstable housing, through street-based education and outreach, access to emergency shelter, survival aid, individual assessments, trauma-informed treatment and counseling, prevention and education activities, information and referrals, crisis intervention, and follow-up support, https://www.acf.hhs.gov/fysb/programs/runaway-homeless-youth/programs/street-outreach. In FY 2016, FYSB delivered trainings and conducted listening sessions with Runaway and Homeless Youth (RHY) programs to learn about grantees' work with those victims of trafficking. The information shared by grantees will be used to develop future training and technical assistance strategies. FYSB also hosted national events (e.g., panel discussions, webinars) to discuss how human trafficking impacts runaway and homeless youth and learn best practices from the field. FYSB's efforts also include significantly revising the annual funding announcements for the three primary RHY programs to require that organizations work to identify and build capacity to provide services and referrals for youth at risk of human trafficking victimization or survivors and victims of human trafficking. In addition, the FYSB-funded Runaway and Homeless Youth Training and Technical Assistance Center assists FYSB grantees with resources on human trafficking, http://www.rhyttac.net/tags/human-trafficking. The National Clearinghouse on Families and Youth provides resources on commercial sexual exploitation and trafficking, https://ncfy.acf.hhs.gov/topics/commercial-sexual-exploitation-and-trafficking. FYSB also provides information on gender-based violence, interpersonal violence, and sexual violence through programs funded by the Family Violence Prevention and Services Act, http://vawnet.org/sc, the Runaway & Homeless Youth and Relationship Violence Toolkit, http://nrcdv.org/rhydvtoolkit/critical-issues/ and the Domestic Violence Resource Network, https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/programs/centers. In FY 2015, FYSB awarded grants to three localities to decrease vulnerability to sex and labor trafficking among at-risk populations, in addition to providing assistance.

12. HHS engages in partnerships to raise awareness on human trafficking, including vulnerable populations and root causes. In 2017, HHS's Office of Trafficking in Persons (OTIP), working with federal and private partners, launched a new national public awareness campaign called "Look Beneath the Surface," https://www.acf.hhs.gov/otip/partnerships/look-beneath-the-surface. This campaign targets four key audiences: children and youth at high risk for trafficking, first responders (e.g., law enforcement, social workers, educators, and health care professionals), the general public, and consumers that contribute to labor and sex trafficking. The campaign seeks to raise awareness about human trafficking, identify risk factors, increase calls to the National Human Trafficking Hotline, increase referrals to service providers and law enforcement, and shift knowledge and behaviors that facilitate human trafficking. HHS is also piloting a trafficking screening tool for child welfare and runaway and homeless youth settings. To raise awareness about human trafficking among high school students, HHS/ACF and ED have also launched a youth social media campaign in partnership with other organizations.

13. In 2016, the HHS/ACF Children's Bureau's Child Welfare Capacity Building Center for States developed an online multi-part learning experience specifically for the child welfare field that aims to improve the ability of child welfare professionals and caregivers to identify, screen, report, and provide services to youth victims of human trafficking. https://learn.childwelfare.gov/content/child-welfare-response-child-and-youth-sex-trafficking.

14. In 2014, DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) transformed the National Girls Institute into the National Girls Initiative (NGI) to strengthen networks of juvenile justice stakeholders, practitioners, and advocates for girls, and to develop programs that will result in systemic improvement and lasting change on behalf of girls and young *women in — or at risk for entering — the juvenile justice system.* In 2016, OJJDP released a policy on Girls and the Juvenile Justice System, recognizing that girls and young women are disproportionately victims of commercial sexual exploitation

and comprise the majority of youth arrested for "prostitution" and commercialized vice. Based on the policy, OJJDP assists state and local juvenile justice specialists and State Advisory Groups to develop state and local plans with effective gender-responsive services and interventions for high-risk or system-involved girls, including those with a history of trauma caused by physical and sexual abuse, commercial sexual exploitation, and domestic minor sex trafficking.

15. DOJ's Office on Violence against Women (OVW) administers a Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies (Consolidated Youth Program), which funds projects to provide coordinated community responses that support child, youth, and young adult victims through direct services, training, effective intervention, treatment, response, and prevention strategies. In FY 2016, OVW gave special consideration during the funding review process for the Consolidated Youth Program to projects for services to traditionally underserved communities, including homeless and runaway youth and young adult victims of domestic violence, sexual assault, dating violence, and stalking; and youth victims of sex trafficking and sexual exploitation through commercial means or survival sex, including those involved in the juvenile or criminal justice system. The Grants to Support Families in the Justice System program (known as the Justice for Families Program), authorized by the Violence against Women Reauthorization Act of 2013 (VAWA 2013) (P.L. 113-4), is designed to improve the response of the civil and criminal justice systems to families with a history of sexual assault, domestic violence, dating violence, and stalking, or in cases involving allegations of child sexual abuse. To improve the capacity of communities and courts to respond to such families, this program supports court-based and court-related programs; supervised visitation and safe exchange by and between parents; training and technical assistance for persons who work with families in the court system; civil legal services; provision of resources in juvenile court matters; and development or promotion of legislation, model codes, policies, and best practices. In addition, VAWA 2013 also added sex trafficking to the four crimes (domestic violence, dating violence, sexual assault and stalking) covered by the Grants to Indian Tribal Governments Program administered by OVW. VAWA 2013 clarified that victim services and legal assistance authorized under the law include services and assistance to victims of domestic violence, dating violence, sexual assault, and stalking who are also victims of trafficking in persons.

16. With regard to American Indian and Alaska Native children, OJJDP, through DOJ's Coordinated Tribal Assistance Solicitation (CTAS), supports tribes in developing programs to target youth at risk of entering or already involved in the juvenile justice system. This program may include youth involved in the child welfare system. It offers online and site-based trainings on a variety of topics related to juvenile delinquency and victimization. In addition, OJJDP's FY 2016 Defending Childhood American Indian/Alaska Native Policy Initiative: Supporting Trauma-Informed Juvenile Justice Systems for Tribes solicitation directly addresses several recommendations included in *Ending Violence So Children Can Thrive*, a report from the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, http://www.icctc.org/aian-report.pdf. These recommendations are focused on improving the tribal juvenile justice system response to delinquent tribal youth.

17. The HHS/ACF Administration for Native Americans (ANA) and HHS/OTIP held awareness events, consultations with tribal leaders, and listening sessions in 2015 and 2016 to inform future prevention efforts. ANA issued an information memorandum on recognizing and responding to human trafficking among American Indian, Alaska Native, and Pacific Islander Communities, https://www.acf.hhs.gov/ana/resource/information-memorandum-on-human-trafficking-among-american-indian-alaska-native-and-pacific-islander-communities. ANA also provided technical assistance on human trafficking, including the recent Human Trafficking in Native Communities webinar, https://www.acf.hhs.gov/ana/events/webinar-human-trafficking-in-native-communities. OTIP and ANA are also creating an information brief for tribal youth on human trafficking.

18. Within DHS, the Blue Campaign, working with DHS's Federal Law Enforcement Training Centers (FLETC), collaborated with Indian Country to develop a "train the trainer" course for tribal leaders and also partnered with ED to develop training for school

educators and administrators. In FY 2016 alone, the Blue Campaign and FLETC trained over 2,100 individuals.

19. The DOI Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) has increased its efforts to address trafficking in or around tribal communities. To address victim services, OJS operates the BIA Victim Assistance Program (BIA/VAP) serving all victims of crime including children exposed to violence, at risk, or who are victims of sexual abuse and/or exploitation. BIA/VAP has 21 full-time Victim Specialist positions to provide crisis response and services to child victims and survivors. Victim Specialists in Arizona, Montana, South Dakota, North Dakota, and New Mexico participate in Human Trafficking Task Forces. OJS also works to develop appropriate tribal laws, including partnering with the Oglala Sioux Tribal Child Protection Team and Tribal Attorney General to adopt a Human Trafficking Tribal Code, and developing strategies to assist other tribal communities to adopt similar codes. With the New Mexico Coalition to Stop Violence Against Native Women, OJS has created the first all-tribal Human Trafficking Task Force, which held a forum on Human Trafficking of Native Women in September 2015. The Task Force also partnered with the New Mexico Office of the Attorney General to provide training to local, state, and tribal law enforcement and victim service providers in New Mexico. With regard to prevention, BIA/VAP facilitates outreach to increase awareness and early identification of trafficking and exploitation of victims, including outreach to 500 attendees at the large April 2016 Gathering of Nations Powwow. In the area of law enforcement, the BIA Division of Drug Enforcement conducts trafficking undercover sting operations to identify traffickers and rescue victims, and the BIA has trained more than 350 BIA and tribal law enforcement officers and investigators through a variety of programs.

20. Many other federal partnerships support outreach to populations vulnerable to trafficking and other forms of exploitation. HHS partnered with ED in 2015 and 2016 to provide trainings, webinars, and awareness-raising efforts for youth, educators, and school administrators through the National Center for Safe and Supportive Learning Environments, https://safesupportivelearning.ed.gov/human-trafficking-americas-schools, and the National Center for Homeless Education, http://nche.ed.gov/ibt/trafficking.php. The Department of Agriculture partnered with HHS to host listening sessions on the impact of human trafficking in rural and tribal communities, http://blogs.usda.gov/2016/12/22/usda-and-hhs-partnered-this-summer-to-help-human-trafficking-survivors-in-rural-and-tribal-communities/.

21. To help prevent and address child exploitation and trafficking, in 2015 ED published *Human Trafficking in America's Schools*, https://safesupportivelearning.ed.gov/human-trafficking-americas-schools, a guide that provides up-to-date information for schools on how to help prevent, address, and respond to human trafficking. In 2016, ED released new guides and resources to help justice-involved youth transition back to traditional school settings. The resources include a guide for incarcerated youth with checklists to help in that transition; a newly updated transition toolkit and resource guide for practitioners in juvenile justice facilities; a document detailing efforts to protect the civil rights of students being educated in juvenile justice facilities; and a website providing technical assistance to support youth with disabilities with transitioning out of juvenile justice facilities. In 2016, ED also issued new guidance and technical assistance to state and local education agencies regarding homeless children and youth enrolled in U.S. public schools, including information on reengaging out-of-school youth living on the streets to complete high school and access post-secondary education.

22. DOJ, through its Office for Victims of Crime (OVC), has also published educational materials and engaged in numerous public awareness campaigns, including: *Through Our Eyes: Children, Violence, and Trauma*, https://www.gov/pubs/ThroughOurEyes/; *A Circle of Healing for Native Children Endangered by Drugs*, https://www.ovc.gov/library/circle-of-healing.html; and Faces of Human Trafficking, https://ovc.ncjrs.gov/humantrafficking/publicawareness.html. These three campaigns are available online through OVC's website, https://www.ovc.gov, and are free and accessible to the general public. In January 2016, OVC held a human trafficking survivor forum and listening session in Washington, D.C., to hear from survivors on effective, strategic, and meaningful ways to incorporate survivors'

voices and perspectives in technical assistance, training, and outreach; programming for survivors; and research and evaluation.

23. With regard to addressing root causes of offenses and eliminating demand in general, DOJ's 2016 National Strategy covers measures to address the causes of gender discrimination and sexual violence and to eliminate demand for children's sexual services. It recognizes that although identification of threats, investigation and prosecution of offenders, and provision of services to victims are essential, the greatest achievement would be to prevent these crimes from occurring in the first place. Thus, the Strategy outlines outreach measures to improve the awareness, understanding, and responses of parents, educators, community members, and children regarding potential dangers. These range from educational messages regarding online safety to awareness efforts on the commercial sexual exploitation of children. The strategy directs efforts toward potential offenders as well. Through vigorous enforcement efforts, combined with awareness measures, the strategy seeks to deter individuals from engaging in illegal conduct. By highlighting the success of federal, state, local, and tribal law enforcement efforts in this area and the lengthy sentences that offenders receive in these cases, an aggressive, coordinated campaign is designed to deter potential offenders from acting against a child.

Question 4

Measures to adopt a child rights-approach to unaccompanied children, prevent their trafficking for labor, and ensure that they have access to legal aid and representation; measures to ensure that streamlined release procedures do not put unaccompanied children at risk of offenses covered by the Optional Protocol; timeline for the enactment of the Refugee Protection Act of 2010.

24. The United States has numerous programs to prevent trafficking and provide access to legal assistance for unaccompanied children. Upon encountering a child attempting to enter into the United States without apparent valid documentation, either at a port of entry or between ports of entry, DHS Customs and Border Protection (CBP) officers and/or U.S. Border Patrol agents interview each child to determine the child's immigration status, review available documentation, and determine whether the child is accompanied or is not accompanied by a parent or legal guardian. Such officers are trained to make a threshold determination whether unaccompanied children are involved in or are at risk for trafficking, including labor trafficking. Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (P.L. 110-457), an unaccompanied child who is a national or habitual resident of Canada or Mexico may be permitted to withdraw his or her application for admission and be repatriated immediately, as long as CBP determines that he or she has not been a victim of a severe form of trafficking in persons and that there is no credible evidence that the unaccompanied child is at risk of being trafficked upon return, that the child has no fear of returning to his or her country of nationality or last habitual residence owing to a credible fear of persecution, and that the child has the ability to make an independent decision to withdraw his or her application for admission. If trafficking indicators are identified by DHS Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations or CBP, the matter is referred to ICE Homeland Security Investigations (HSI), the DHS entity responsible for investigating claims of human trafficking. For Mexican and Canadian unaccompanied children who cannot be returned immediately because they do not meet one or more of the above requirements, and for all unaccompanied children from countries other than Mexico or Canada, the TVPRA requires that they be transferred to the care and custody of the HHS Office of Refugee Resettlement (ORR) within 72 hours, absent exceptional circumstances, and placed into proceedings (if DHS is seeking to remove them) before an immigration judge under Section 240 of the Immigration and Nationality Act (INA). These children are not subject to expedited removal proceedings.

25. Within DHS, the CBP policy "National Standards on Transport, Escort, Detention, and Search" (Section 1.6, Treatment of Juveniles), instructs CBP officers and agents to consider the best interest of the juvenile at all decision points, beginning at the first encounter and continuing through processing, detention, transfer, or repatriation. The policy

also instructs officers and agents to recognize that juveniles experience situations differently from adults. To the extent that the Committee's question about the effect of "newly enforced streamlined release procedures" refers to expedited removal, U.S. law provides that unaccompanied children are not subject to expedited removal pursuant to the TVPRA.

26. As noted above, HHS, through ORR, provides care and placement for unaccompanied children referred by DHS. After referral, the child is assessed for medical and mental health issues, safety concerns, and other considerations, including screening for human trafficking. HHS places children in its care and custody into the least restrictive setting that is in the best interest of the child, and vulnerability to trafficking is one of the factors considered when determining placement. In the case of trafficking victims or other vulnerable children, ORR may appoint an independent child advocate to make recommendations regarding the best interests of the child in the form of a Best Interest Determination (BID). ORR considers BIDs when making decisions regarding the care, placement, and release of unaccompanied children. Before a child is released from ORR custody to a sponsor, a number of steps must be completed to ensure the child's safety. These include filing of an application by the sponsor with supporting documentation; verification of the sponsor's identity and relationship to the child, if any; assessment of the sponsor's suitability; background checks; and, in some cases, a home study.

27. Form I-770, provided to all apprehended children, includes information on the right to be represented by an attorney. Unaccompanied children are also provided a list of *pro bono* legal service providers compiled by the DOJ Executive Office for Immigration Review (EOIR). Information on legal aid and representation is provided by DOJ/EOIR for unaccompanied children in removal proceedings, and/or by HHS/ORR for detained children. Programs provided and funded by DOJ are described in ¶ 80 of the 2016 Report.[4] Of recent note, the "justice AmeriCorps," (jAC) direct representation program is now in its third year of operation and, as of December 2016, the roughly 55 jAC advocates had represented, or were in the process of representing, over 2,400 children. Sites where jAC members are working include Charlotte, Atlanta, Dallas, and Las Vegas. In addition, in 2016, EOIR launched the Remote Access Initiative (RAI), a new pilot innovation project to provide legal representation to certain children who, due to geographic distance from the immigration court and legal services, are less likely to be represented by counsel and more likely not to appear for court hearings. RAI, which involves a unique collaboration between legal service providers and community-based organizations, is designed to increase the effective and efficient adjudication of immigration proceedings in the Southeastern United States for children who have crossed the U.S. border without a parent or legal guardian and live at least 100 miles from the Memphis and Atlanta Immigration Courts. This project will also help identify children who have been victims of human trafficking or abuse and, as appropriate, refer them to support services. ORR coordinates a legal access program that includes rights presentations and legal screenings and also provides funding to organizations that provide legal representation and other support services to unaccompanied children.

28. The Refugee Protection Act of 2010 was not enacted. Similar legislation reintroduced in subsequent sessions of Congress was also not enacted. As of March 2017, similar legislation has not been reintroduced in the 115th Congress (2017-2019).

[4] In the version of the 2016 Report filed by the United States, available at http://www.state.gov/g/drl/hr/treaties, this information appears at ¶ C-79. This version of the report combined into the same report information on the OPSC and the Optional Protocol on the Involvement of Children in Armed Conflict, as instructed by the Committee's reporting guidelines.

Question 5

Steps taken to prevent the sale of children's organs, detect and investigate cases, prosecute those responsible, and protect child victims.

29. HHS, through its Health Resources and Services Administration's Division of Transplantation, provides technical assistance and serves as a resource to DOJ and the Department of State's (DOS) Office to Monitor and Combat Trafficking in Persons, http://www.state.gov/j/tip/. The Strategy to Oppose Predatory Organ Trafficking Act, known as the STOP Organ Trafficking Act, H.R. 3694, passed the House of Representatives in June of 2016, but did not pass the Senate, and so did not become law.

Question 6

Measures taken to prevent child sex tourism abroad and within the State party; awareness-raising campaigns for travellers; and mechanisms to deal with cases of child sex tourism committed by nationals of the State party abroad and tourists in the State party.

30. The United States continues to act aggressively to combat child sex tourism both abroad and within the United States through awareness-raising campaigns, investigations, and prosecutions. ICE/HSI International Operations has over 340 personnel around the globe, including 182 Special Agents in 64 Attaché offices in 47 countries. These employees work with U.S. law enforcement agencies and foreign governments to combat illicit trade, travel, and finance, including child sex tourism. To raise awareness among law enforcement and nongovernmental organizations (NGOs) abroad regarding child sex tourism, both ICE and the FBI conduct trainings and other capacity-building programs. For example, the FBI conducted child exploitation training in Phnom Penh, Cambodia from November 28-December 2, 2016 for law enforcement from Cambodia, Vietnam, and the Philippines. Topics included child sex tourism investigations, Internet and technology concepts, online evidence collection, child forensic interviewing, investigating and prosecuting extraterritorial child sex offenders, technology-facilitated child abuse investigations, sexual abuse investigations, and Internet exploitation trends. In 2012, the DHS Blue Campaign, CBP, and the Department of Transportation created the Blue Lightning Initiative (BLI), which trains airline personnel to identify potential traffickers and human trafficking victims, and to report their suspicions to federal law enforcement. The Blue Campaign also partners with other transportation sector entities, such as airports, train stations, and truck stops, to raise awareness among the public, and to promote reporting to law enforcement and the National Human Trafficking Hotline, a national, toll-free hotline available from anywhere in the United States at all times in more than 200 languages, using a tele-interpreting service.

31. Federal law provides a penalty of up to 30 years in prison for U.S. citizens or lawful permanent residents who engage in illicit sexual conduct abroad. Success in investigations and prosecutions abroad is achieved through robust participation by U.S. law enforcement and prosecutors on the ground in targeted foreign countries. The FBI operates a Child Sex Tourism (CST) Initiative targeting U.S. citizens who travel abroad to engage in sexual activity with children. The Initiative has identified and evaluated CST destinations, such as Thailand, Cambodia, and the Philippines, and identified emerging and ongoing trends in the methodology of CST offenders and facilitators in those destinations. The Initiative has staffed CST agents in Thailand, Cambodia, and the Philippines to address the threat since 2008. This strategy also includes the development of intelligence and best practices to safely remove child victims from sexual abuse situations as well as to identify predatory individuals and groups operating in these areas.

32. ICE's Operation Angel Watch, a joint effort with CBP and the U.S. Marshals Service (USMS), targets individuals who have been previously convicted of sexual crimes against a child, who are registered as state sex offenders due to the conviction, and who may pose a potential threat to children by traveling overseas for the purpose of sexually abusing or exploiting minors. Through Operation Angel Watch, ICE/HSI uses publicly

available sex offender registry information and passenger travel data to strategically alert foreign law enforcement partners through its ICE Attaché offices of a registered convicted child predator's intent to travel to their country. Any actions taken by the receiving country as the result of this information are solely the decision of that country. In FY 2015, ICE made over 2,100 notifications to more than 90 countries. In 2016, ICE was authorized to create an Angel Watch Center to expand these notifications. The ICE Cyber Division, Child Exploitation Investigations Unit (CEIU) also investigates U.S. citizens and/or lawful permanent residents who are arrested in or traveling to foreign countries and engage in illicit sexual conduct with minors. In February 2016, Congress enacted the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (IML), P.L. 114-119. Section 8 of IML prohibits DOS from issuing passports to certain covered sex offenders without a unique passport identifier and allows DOS to revoke passports previously issued to these individuals that do not contain the identifier. The IML requires ICE's Angel Watch Center to provide a written determination to DOS that an individual is a covered sex offender (a child sex offender who currently has a registration requirement) for action on the individual's passport or passport application. This passport identifier provision is expected to be implemented in 2017.

33. Under federal statutes prohibiting the extraterritorial sexual exploitation of children, many offenders have been successfully prosecuted by the U.S. Attorney's Offices (USAOs) and DOJ's Child Exploitation and Obscenity Section (CEOS), which work in cooperation with the FBI, DHS/ICE Investigations, and other domestic and foreign law enforcement partners. Enforcement of these laws abroad is an important part of the United States' effort to eradicate sexual exploitation of children. A number of statutes could be applied to this conduct, including 18 U.S.C. § 2423(c), which prohibits child sex tourism and which carries a penalty of up to 30 years in prison; 18 U.S.C. § 2251(c), which prohibits the production of child pornography abroad and carries a penalty of 15 to 30 years in prison for a first offense; and 18 U.S.C. §§ 1591 and 1596, which prohibit sex trafficking abroad and carry a penalty of no less than ten years in prison up to life imprisonment. For example, in July 2013, CEOS and the USAO for the Southern District of Florida obtained a 165-year sentence for a U.S. citizen who was convicted after a jury trial of sexually abusing more than 16 impoverished children in Haiti who were living at a residential facility operated by the defendant that provided shelter, food, clothing and school tuition to Haitian children. CEOS attorneys and USAOs travel throughout the United States and internationally to conduct trainings for investigators, law enforcement personnel, and others involved in efforts to investigate and prosecute these crimes. They also design, implement, and support law enforcement strategies on regional, national, and international scales to combat child sexual exploitation, including that committed by Americans abroad. CEOS, in consultation with Assistant U.S. Attorneys and other DOJ subject-matter experts, crafts legislative proposals and policy initiatives that address child sexual exploitation crimes.

34. DOJ/OJJDP launched the ICAC Task Force Program in 1998 to help federal, state, and local law enforcement agencies enhance their investigative responses to individuals who use the Internet, online communication systems, or computer technology to exploit children. During April and May 2016, the 61 ICAC Task Forces conducted Operation Broken Heart III, a coordinated investigative operation to identify and arrest suspected child sexual predators. The national crackdown targeted individuals who: (1) possess, manufacture, and distribute child pornography; (2) engage in online enticement of children for sexual purposes; (3) engage in the commercial sexual exploitation of children (commonly referred to as prostitution of children); and (4) engage in child sex tourism (traveling abroad for the purpose of sexually abusing children in other countries). As part of this operation, ICAC Task Forces arrested 1,368 suspected child predators and conducted about 2,300 community presentations on Internet safety.

Question 7

Follow-up on the recommendation to explicitly prohibit payments before birth and other expenses to surrogate mothers; enactment of federal legislation with regard to surrogacy; how legalization, in some states, of pre-conception contracts between commissioning parents and surrogate mothers is compatible with the Protocol; and how contracts are enforced.

35. Article 1 of the OPSC provides that parties shall prohibit the sale of children. Article 2 defines the sale of children as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration." Article 3 further specifies that parties shall criminalize:

(a)

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;

b. Transfer of organs of the child for profit;

c. Engagement of the child in forced labour.

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

Because surrogacy, as a practice, does not involve any of those forms of exploitation, it does not appear to fall within the scope of the OPSC.

36. No federal legislation exists or is pending regarding payments to surrogate mothers. Questions of parentage and family matters are generally handled at the state level in the United States, and state laws regarding surrogacy vary widely. Surrogacy is illegal in some states and is expressly permitted and regulated in others. Thirty-one states have laws that in some fashion address surrogacy. Michigan and New York, as well as Washington, D.C., have criminalized surrogacy. Other states have laws that provide that surrogate contracts are invalid. Other states set up elaborate mechanisms to approve contracts or to regulate the payment of fees to surrogates. The states that permit surrogacy generally treat it as a family matter involving the legal question of parentage.

Question 8

Steps taken to: (a) define and prohibit child prostitution and sale of children for any purpose with or without economic recompense at the federal level and in all states; (b) explicitly criminalize the sale of organs; and (c) ensure all sexually exploited children are treated as victims, not offenders. Whether legislation at federal and state levels ensure full protection for all children.

37. U.S. law, which defines a commercial sex act as "any sex act on account of which anything of value is given to or received by any person," 18 U.S.C. § 1591(e) (3) and 22 U.S.C. § 7102(4), does not require that remuneration be in the form of an exchange of money and is fully in conformity with Article 2 of the OPSC. In addition, as discussed in ¶¶ 30-31 of the U.S. Initial Report, CRC/C/OPSC/USA/1, U.S. federal and state laws are also fully consistent with the provisions of Article 3(1) (b). Information about applicable state laws can be found at: www.ndaa.org/ncpca_state_statutes.html.

38. With regard to criminalization of the sale of organs, the information provided in the 2016 Report remains accurate. Under Section 301 of the National Organ Transplantation Act of 1984 (P.L. 98-507), as amended, it is a crime under federal law "for any person to

knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce." The penalty is a fine of $50,000 or up to five years in prison, or both. DOJ enforces this prohibition.

39. With regard to treatment of sexually exploited children as victims, federal laws and corresponding protections for victims generally extend to those under age 18, see, e.g., 18 U.S.C. §1591 (sex trafficking); 18 U.S.C. §§ 2421-2423, 2425 (transportation, coercion and enticement, transportation of minors, and use of interstate facilities to transmit information about a minor); 18 U.S.C. §§ 2251-2260 (child pornography); 18 U.S.C. § 3509 (special protections for minors); 18 U.S.C. § 3771 (rights and protections for federal crime victims); and Federal Rule of Evidence 412 (protections for sexual assault victims).[5] As made clear in the 2016 National Strategy, the United States continues to work to ensure that sexually exploited children are treated as victims rather than offenders.

40. Federal law requires that the FBI provide notification of victim rights and services to federal victims of crime. The FBI's Office for Victim Assistance (OVA) has 153 Victim Specialists working in every FBI field office in the country alongside special agents investigating crimes against children. Victim Specialists work within community multi-disciplinary teams to advance and coordinate prompt investigations and prosecutions, reduce trauma to child victims, and ensure the protection of children. OVA also employs experts in interviewing of children, adolescents, and adults with special needs. In addition to providing forensic interviews, the FBI's Child/Adolescent Interviewers consult with investigators and provide training nationally and internationally.

41. The Crime Victims' Rights Act, 18 U.S.C. § 3771, requires USAOs to afford victims certain rights, while the Victims' Rights and Restitution Act, 42 U.S.C. § 10607, mandates the provision of services to victims. Within the 94 USAOs are 192 Victim Assistance Specialists responsible for providing services to crime victims and ensuring their rights are accorded as cases progress through the criminal justice system. Victim Assistance Specialists are trained to assist child victims and ensure that these victims have access to services aimed at addressing the unique and challenging needs they face. Victim Assistance Specialists work closely with their federal, state, local, tribal, and NGO counterparts to ensure that crime victims receive the most comprehensive services available to meet their needs.

42. Each year DOJ, through its Office of Justice Programs (OJP), funds anti-trafficking programs, many of which assist child victims. For example, in September 2016, OJP awarded grants totaling more than $49 million to state, local, and tribal jurisdictions, law enforcement agencies and victim service providers to combat human trafficking across the United States. One of these awards was for a Child Sexual Exploitation fellowship in DOJ/OVC that will work with agencies and organizations to ensure that victims of child sexual exploitation can access the full range of services needed. In addition, with funds under the Victims of Child Abuse Act (VOCA), DOJ/OJJDP offered 51 training sessions on commercial sexual exploitation of children and child sex trafficking. Training topics included, but were not limited to, forensic interviewing, victim identification, health care needs of victims, emerging issues affecting CACs and multidisciplinary teams, immigration issues, restitution, and working with male victims. In FY 2016, OJJDP also provided funding to six organizations through the Mentoring for Child Victims of Commercial Sexual Exploitation and Domestic Sex Trafficking Initiative to help develop or enhance mentoring service models and mentor training, focusing on the needs of girls and boys who are at risk of or are victims of commercial sexual exploitation and domestic sex trafficking; develop or update strategies to recruit and maintain mentors to serve this target population; begin or enhance efforts to identify and enroll children who are in need of services; and provide needed services to them. Also in 2016, OJJDP developed a Human Trafficking: Services for Survivors website that includes information and help for survivors, including

[5] Title VIII, Section 802 of the JVTA amended CAPTA to specify that, notwithstanding the general definition of a "child" in CAPTA, a state may opt to apply the sex trafficking portion of the definition of "child abuse and neglect" and "sexual abuse" to a person under age 24.

through hotlines, housing services, and legal assistance resources. https://www.ojjdp.gov/programs/human-trafficking-services.html.

43. Due to our federal system, the U.S. federal government cannot effect changes directly in state criminal laws, but it can and does encourage harmonization efforts. Many state laws extend protection to those under 18. According to the Polaris Project, as of autumn 2015, 34 states had enacted safe harbor laws, which are designed to provide legal protection and services for child sex trafficking victims. https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20one%20Brief.pdf. A comprehensive analysis of current state laws can be found at http:// sharedhope.org/what-we-do/bring-justice/reportcards. Several jurisdictions have implemented first responder protocols that require law enforcement to refer identified victims to child welfare or community-based services rather than arrest them. *See, e.g.*, County of *Los Angeles, Los Angeles County Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, https://www.lacounty.gov/law-enforcement-first-responder-protocol-for-csec, and Hennepin County, Minnesota, *No Wrong Door Protocol*, http://www.hennepin.us/nowrongdoor. As noted in ¶ 93 of the 2016 Report,[6] since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), the federal government has developed two model state laws for use by states in formulating their laws — one concerning human trafficking offenses generally and, more recently, one in the areas of pimping, pandering, prostitution, and commercial sex.

Question 9

Number of Department of Labor investigators in charge of identifying and protecting children trafficked for the purpose of exploitation in the agricultural sector; numbers of cases detected and legal proceedings engaged against perpetrators and their outcome.

44. The Department of Labor's Wage and Hour Division (WHD) enforces federal minimum wage, overtime pay, record-keeping, and child labor regulations of the Fair Labor Standards Act. WHD partners with federal law enforcement agencies to identify and refer potential instances of trafficking found during its investigations and to calculate restitution amounts for victims. WHD has approximately 1,000 investigators who generally focus on low-wage industries such as agriculture and all investigations include a focus on child labor. While WHD data do not distinguish trafficking-related violations from other violations, in FY 2016 WHD conducted nearly 1,300 investigations in the agriculture industry and found that more than $4.8 million in back wages were owed to more than 10,500 workers. In FY 2016, WHD also assessed over $3.5 million in civil money penalties from agricultural employers for violations.

Question 10

Mechanisms to identify child victims of all offenses covered by the Protocol who come into contact with child welfare and health-care agencies; training of Customs and Border Patrol officers screening unaccompanied children along the U.S.-Mexico border to identify child victims of trafficking, and monitoring and evaluation of their decisions.

45. As noted in response to question 3 above, HHS provides assistance to victims of human trafficking in the United States under the TVPA, as amended by the Preventing Sex Trafficking Act and Strengthening Families Act and the JVTA. With regard to children in the child welfare system, under Title IV-E of the Social Security Act as amended by the Preventing Sex Trafficking and Strengthening Families Act, state and tribal agencies receiving federal funding under Title IV-E must have policies and procedures to identify, document, and determine appropriate services for any child or youth in the placement, care,

[6] In the version of the 2016 Report filed by the United States, available at http://www.state.gov/j/tip/rls/tiprpt/index.htm, this information appears at ¶ C-92. *See supra* note 4.

or supervision of the agency who is at risk of becoming a sex trafficking victim or who is a sex trafficking victim. These children and youth include those for whom a state child welfare agency has an open case file but who have not been removed from home; those who have run away from foster care and are under age 18 (or up to age 21 as has been elected by the agency for the Title IV-E foster care program); and youth not in foster care who are receiving services under the Chafee Foster Care Independence program and, at the option of the agency, youth under age 26, whether or not they were in foster care (42 U.S.C. § 671(a)(9)(C)). As noted in ¶ 8 above, the HHS/ACF's Children's Bureau has put out four sets of guidance on implementation of the Preventing Sex Trafficking and Strengthening Families Act as well as additional technical assistance resources.

46. Similarly, under the JJVTA, grants may be awarded to runaway and homeless youth service agencies to determine whether such youth have been subject to severe forms of human trafficking or sex trafficking. The JJVA also requires state CPS systems receiving a federal grant under CAPTA to have procedures to identify and assess all reports involving children known or suspected to be sex trafficking victims and for training CPS workers to identify, assess, and provide comprehensive services for child sex trafficking victims, including efforts to coordinate with state law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters (42 U.S.C. § 5106a(b)(2)(B)(xxiii)-(xxxiii)). In 2016, HHS/ACF's Children's Bureau funded a contract supporting efforts to identify and better assist the children and youth served by its programs who are victims of human trafficking or who are at risk of exploitation in the form of human trafficking. Specifically, this project will: (1) identify the knowledge base related to human trafficking and child welfare; (2) using data in state administrative data systems, identify risk factors that may make certain individuals more vulnerable to force, fraud, or coercion and more likely to be victims of human trafficking; and (3) further test measures and promising models being developed in the field.

47. Foreign national victims of human trafficking under the age of 18 are eligible for federal and state benefits and services to the same extent as refugees, upon determination by HHS in consultation with DOJ and DHS. Many requests for assistance for potential child victims of human trafficking are identified through the HHS/ORR unaccompanied children program, which screens minors for human trafficking indicators.

48. With regard to health care agencies, HHS, with input from a Technical Working Group composed of health experts, social service providers, and trafficking survivors, updated and expanded its "Stop, Observe, Ask, Respond (SOAR) to Human Trafficking" training program for health care and social service providers to enable those providers more effectively to identify and appropriately respond to potential trafficking cases. http://www.acf.hhs.gov/endtrafficking/initiatives/soar. The HHS Office of Population Affairs funds family planning projects that are required to provide training to staff on federal and state requirements for reporting or notification of child abuse, child molestation, sexual abuse, rape or incest, as well as on human trafficking. https://www.nationalfamilyplanning.org/document.doc?id=1462.

49. The TVPRA requires the transfer of unaccompanied children to the custody of HHS/ORR within 72 hours of determination that the child meets the definition of an unaccompanied child, absent exceptional circumstances. Although the TVPRA only requires DHS to conduct screenings of unaccompanied children from contiguous countries (Mexico and Canada) to assess whether such children might be victims of human trafficking, CBP screens all unaccompanied children it encounters. This initial screening occurs at the processing location, generally at a Port of Entry or Border Patrol station. If risk factors indicate that an unaccompanied child is a potential victim of trafficking, CBP immediately notifies ICE/HSI.

50. The TVPRA requires DHS to train all personnel who have substantive contact with unaccompanied children. The U.S. Border Patrol Academy provides training on how to identify unaccompanied children. This training encompasses both lectures and practical exercises. Treatment of unaccompanied children, as well as the Nonimmigrant T classification for victims of human trafficking, is also included in CBP Officer Basic Training. Trainees receive an overview of human trafficking from the Blue Campaign.

DHS also addresses the unique needs of juveniles in various other trainings throughout officer's and agent's careers.

51. Since 2009, ICE has hosted annual training for its Field Office Juvenile Coordinators and other staff, focused on policies, procedures, and protocols unique to unaccompanied children, including victim awareness and identifying signs of trafficking. The August 2016 training, which also included CBP, the DHS Office for Civil Rights and Civil Liberties, and HHS/ORR, was attended by more than 200 individuals from across the country. ICE's Victim Assistance Program (ICE/VAP) has also developed and is promoting training on the fundamentals of victim assistance for all 26 ICE/HSI Special Agent in Charge field offices. The training provides an overview of the ICE/VAP program, how its Forensic Interview Specialists can assist in the furtherance of ICE/HSI investigations, and how Victim Assistance Specialists can help ensure that victims have access to the rights and services to which they are entitled by law. ICE/VAP is part of the National Strategy for Child Exploitation Prevention and Interdiction Working Group, which includes DOJ, USMS, the Executive Office for United States Attorneys, HHS, the Board of Immigration Appeals, the FBI, the Department of Defense, and others. ICE/VAP also developed and provided training for ICE's Office of Enforcement and Removal Operations Family Case Managers pilot program. Family Case Managers are responsible for facilitating community-based services tailored to individual participant needs, including the needs of children, to monitor participants and promote compliance with their obligations under U.S. immigration law. The ICE/VAP training includes awareness of how trauma can impact families and how to provide trauma information and victim-centered care to immigrants.

52. All processing and screening of unaccompanied children by Border Patrol agents is reviewed and signed off by first- and second-line supervisors. After an unaccompanied child is processed, the ICE Field Office Juvenile Coordinator and HHS/ORR are contacted to arrange placement.

Question 11

Why sentences for child pornography are often more lenient at the state level than at the federal level.

53. Without conceding the factual premise of the question, under our federal system the individual states define what constitutes a crime in that state and what the appropriate penalties should be, subject to both the U.S. Constitution and the relevant state constitution.

Question 12

Measures taken by the State party at the federal level to encourage states to adapt testimony requirements to avoid secondary victimization; budget since 2013 for the recovery and reintegration of child victims, including specialized shelters and services, and monitoring and evaluation of those services.

54. The Sixth Amendment to the U.S. Constitution guarantees a defendant the right to confront witnesses against him or her and the right to a public trial, which limits the ability of the prosecution to present any witness through any means other than live, in-court testimony. This mandate applies to any criminal case in the United States, whether in federal, state, or local court. For example, one appellate court reversed the defendant's conviction for child sex abuse because the district court closed the courtroom when the victims testified. The appellate court found that this violated the defendant's Sixth Amendment rights. *See United States v. Thunder*, 438 F.3d 866 (8th Cir. 2006). Nonetheless, the United States engages in extensive outreach to the judiciary to sensitize it to the unique needs of child exploitation victims. For example, DOJ's Bureau of Justice Assistance (BJA) supports human trafficking training that assists state trial judges in understanding the unique considerations of human trafficking perpetrator and victim issues and victim trauma considerations. On April 23, 2009, following enactment of the TVPRA, DOJ/EOIR provided a mandatory, comprehensive training on human trafficking for all immigration judges. EOIR has continued to provide such trainings. In August 2016, the

Annual Training for Immigration Judges included a presentation entitled *Testimonial Evidence of Victims of Trauma in Immigration Proceedings*, provided by the Tahirih Justice Center, and all new Immigration Judges receive training on issues relating to both domestic violence and combating trafficking in persons. Training includes identification of victims, issues to consider in adjudicating cases involving victims, and how to refer victims to other government entities and NGOs for law enforcement assistance and services. In 2012, EOIR issued a protocol on the Identification and Referral of Potential Trafficking Victims or Traffickers Before the Executive Office for Immigration Review, which was updated in 2015. This protocol assists EOIR personnel in the identification and reporting of suspected victims of trafficking or suspected traffickers.

55. OJJDP provided funding to the National Council of Juvenile and Family Court Judges (NCJFCJ) to provide state and tribal juvenile and family court judges and court personnel with a wide range of skills to address the diverse needs of families that experience child abuse and neglect, domestic violence, and domestic child sex trafficking. Through this award, NCJFCJ has created the National Judicial Institute on Domestic Child Sex Trafficking (NJIDCST) and a curriculum to help judicial officers better understand the dynamics of domestic child sex trafficking, the applicable laws and legal considerations involving trafficking victims, how to identify children at risk of or being trafficked, and how to connect them to appropriate services. More information is available at http://www.ncjfcj.org/DCST. Recently, NJIDCST integrated into its curriculum a special segment entitled "Judges Can." "Judges Can" focuses on real-world practical applications of the curriculum, covering eight independent topical areas, such as victim and perpetrator behavior, trafficking dynamics, culture, judicial decision-making, and the legal landscape of trafficking law. "Judges Can" enables participants to take a step back after each segment and explore how they can make immediate changes to their own judicial practice from the moment they return to their courtrooms. It also provides answers to questions such as "how do you talk to a child who has experienced trauma?"

56. HHS/ACF's Children's Bureau also provides training to the judicial system through the Center for Courts, which provides technical assistance on the implementation of the Preventing Sex Trafficking and Strengthening Families Act of 2014, https://capacity.childwelfare.gov/ courts/focus-areas/preventing-sex-trafficking/. Specific activities include working in concert with the Center for States and Center for Tribes to support the Preventing Sex Trafficking and Strengthening Families Act Implementers constituency group; developing court-specific resources, such as what courts can do to assist in implementation; and convening a Community of Practice of court representatives to help develop and refine resources intended to assist courts in their responsibilities under the legislation.

57. With regard to recovery and reintegration of child victims, the federal government supports services for human trafficking victims, including child trafficking victims, through grant assistance and other activities principally funded by DOJ/OVC and HHS/ACF. For example, DOJ/OVC anti-trafficking grants are designed to provide a wide range of services to address the individualized needs of sex and labor trafficking victims. These services may include intensive case management, shelter and housing, food, medical and dental care, mental health treatment, support groups, interpretation and translation services, immigration and other legal assistance, literacy education, and job skills training. A map of current DOJ/OVC anti-trafficking grantees as well as taskforces funded by DOJ is available at https://ovc.ncjrs.gov/humantrafficking/map. html. As noted above, in September 2016, DOJ/OJP awarded grants totaling more than $49 million to state, local, and tribal jurisdictions, law enforcement agencies, and victim service providers to combat human trafficking across the United States. As part of these grants, OVC awarded more than $27.5 million to victim service providers to assist trafficking victims in FY 2016, through the Enhanced Collaborative Model to Combat Human Trafficking Program, the Comprehensive Services for Victims of All Forms of Human Trafficking Program, and the Specialized Services for Victims of Human Trafficking Program.

58. Additionally, OVC has established "Improving Outcomes for Child and Youth Victims of Human Trafficking: A Jurisdiction-wide Approach." This grant program is intended to improve jurisdiction-wide coordination and collaboration to address trafficking

involving children and youth. For the first time in FY 2016, OVC made two awards under this program. The University of Maryland-Baltimore and the Minnesota Department of Health were awarded approximately $1.8 million and $2.9 million, respectively, to implement comprehensive responses to youth and child trafficking within Maryland and Minnesota. These grantees will develop, enhance, and coordinate programs to improve outcomes for child and youth victims of sex and labor trafficking, including improving statewide coordination and multidisciplinary collaboration to address human trafficking involving children and youth.

59. For the first time, in FY 2016, OVC also made three awards totaling $1,237,500 through the "Project Beacon: Increasing Services for Urban American Indian and Alaska Native Victims of Sex Trafficking Program" to increase the quantity and quality of services currently available to American Indian and Alaska Native victims of sex trafficking who reside in urban areas.

60. DOJ/OVC's Linking Systems of Care (LSC) Demonstration Initiative is designed to bring together relevant systems (including justice, child welfare, healthcare, and other systems) and professionals to coordinate and more closely align efforts and services for child and youth victims, their families, and caregivers. The LSC Initiative supports efforts to develop and better align all systems of care that respond to the needs of children, youth, families, and caregivers who have experienced victimization and/or been exposed to violence in their homes, schools, and communities. The initiative focuses on identifying young victims and working with their families and caregivers to provide an array of trauma-informed individualized services. Moreover, in FY 2016 OVC transferred $2 million from the Domestic Trafficking Victims' Fund established under the authorization of the JVTA to OJJDP to support CACs in serving victims of child pornography. CACs offer therapy and medical exams, as well as courtroom preparation, victim advocacy, case management, and other services. This approach is called the multi-disciplinary team response and is a core part of the work of CACs in serving child victims. In addition, through the OJJDP FY 2016 VOCA Regional Children Advocacy Center Program, four regional CACs were funded to provide regional or national training and technical assistance to multi-disciplinary teams and state chapters of CACs, with the goal of strengthening the use of multi-disciplinary teams across the country.

61. Within HHS, ACF does not receive funds exclusively allocated to address the recovery and reintegration of child victims. However, children are eligible to be served through ACF's and the HHS Office of Women's Health's anti-trafficking initiatives, along with adult populations. Child victims may also be served through integration into many other federally funded human service programs including those operated by HHS/ACF's Children's Bureau, OTIP, FYSB, ORR, and ANA, as noted in responses to other questions above. ACF also collaborates with federal partners and nongovernmental organizations through public-private partnerships to leverage other resources to benefit victims of trafficking, including child victims.